

## **The Implementation in Policy of Eco-Religious Tourism on the Basis of Adat Law Society in Bali**

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### **ABSTRACT**

*The implementation in policy of eco-religious tourism management on the basis of adat law society in Bali in its development cannot be separated from local government role, investor role, and pakraman village role that represent local adat society. As the region authority bearer, government has authority to regulate territorial use for the purpose of tourism development. The development of tourism will involve many industries to produce various tourism products. Yet through private role will result on society involvement that may distribute. Government only provides opportunity and easiness without apart from current legal legislation. The role of Pakraman village and local society, especially indigenous people who stay in tourism territory will consider as one of key player in tourism itself, since they provide most of the attraction and decide the quality of tourism product.*

**Keyword:** Pakraman Village, Adat Law, Eco-Religious Tourism

### **INTRODUCTION**

Tourism industry is growing very rapidly nowadays. Various countries have developed tour packages to improve their "foreign income". Various tour packages, such as the nature of the mountains tourism, marine tourism, culinary tourism, cultural tourism, religious tourism are offered to attract both domestic and foreign tourist. Indonesia, which has variety of advantages in the field of tourism, also do not want to fall behind compared to other countries. Various packages and regulatory policies have been formulated to support tourism program. Promotion in the year of tourism visit to Indonesia has been introduced intensely in many countries.

The amount of potential tourism potential and tourist interest in visit Indonesia has encourage government and local governments to improve the facilities and infrastructure of tourism management. Various packages and regulatory policies have been successfully formulated and established to be used as a reference or benchmark for tour organizer in Indonesia.

Balinese system of belief is a various thing, distinguished by source of belieg that comes from pre-Hindu and Hindu beliefs of the times. Belief derived from the pre-Hindu, for example on animism and dynamism. One manifestation of the existence of the belief of certain rituals aimed at Balinese society aims for the souls or spirits of the ancestors. The most important belief in the people of Bali, and associated with Hindu religious belief called panca-cradha which includes: 1) believe in the existence of Ida Sang Hyang Widhi Wasa / God Almighty, (2) believe in the existence of the atman (soul), (3) believe in samsara / Punarbawa (rebirth), (4) believe in karma pala (the existence of any deed), (5) believe in moksha (freedom of the soul from the cycle of rebirth). Religious tourism or spiritual tourism is one of special interest that newly developed in Bali, they do this tour either alone or in groups in places that are considered sacred both in Bali and outside of Bali to worship or meditation.

Indonesia as a country that wrote *sesanti Bhineka Tunggal Ika* in the State emblem of Garuda bird, becomes condition *sine qua non* to consistently pay attention and accommodate ecological wisdom of local communities in policy making and drafting legislation, as a form of respect and recognition toward legal pluralism that are empirically live and thrive in Indonesian society which has cultural diversity.

Ecological wisdom toward indigenous Balinese essentially stems from value system and religion that followed is Hinduism. Hindu doctrine and belief animates and gives color and affect the environment in the form of attitudes and behavior towards the environment. The essence existed in it is to give guidance to people to behave and in harmony with the rhythms of the universe, so as to create a balance between the human relationship with the natural world.

The reflection of society ecological wisdom that have religio magical pattern, crystalized concretely in the local product of local society which is in anthropological law define as customary law, folk law, indigenous law, unwritten law or unofficial law, or in Indonesia context consider as *adat law/adat recht*

This type of folk law is a norm system that embody the values, principles, structures, institutions, mechanisms, and religion that are growing, evolving, and embraced local community, in its function as an instrument to maintain the regularity of interaction between citizens (social order), order relationship with the creator and the spirits that are believed to have supernatural powers (spiritual order), and maintain behavior of society order and its environment (ecological order).

Tourism development in the area is how all interested parties there were able to perform and understand the development of environmentally friendly tourism development. Therefore the union in the perception of ecotourism development in tourist destinations. In order to improve the quality of natural resources and ecosystems as well as the optimization and utilization of the potential ecotourism to the increasing affluence of society, government officials, managers and competence parties.

The role of government and non-governmental organizations (NGOs), universities, and private or authorities, mass organizations and local communities are the key factor in the development of this environmentally friendly tourism. Society unity which is based on the provisions of the customs regulation that have original arrangement (considered to be privileged) and formal judicially obtain legal guarantees under the laws that has clear provisions as a form of government recognition toward *adat law* society position in the Republic of Indonesia, including village custom implemented by Balinese.

The implementation of eco-religious in Bali tourism management regulate by the policies and laws of both national and local levels (including regulatory Province, Regency / City) and based also on local laws derived from the customary law (in the form of *hawig awig*) or rooted in Bali Hinduism religious teaching.

### **The Implementation of Policy in Eco-Religious Tourism Management on the Basis of Adat Law Society in Bali**

Etymologically , the word tourism is derived from Sanskrit which consists of two words , namely *pari* and *wisata* . *Pari* means a lot or get around , while *travel* means trips , traveling , travel ( english ) , then tourism is defined as travel that is done many times , or whirling from one place to another. .

Limitation of tourism word etymologically narrower than the definition of tourism stipulated in Article 1 number 3 of Law No . 10 Year 2009 on Tourism and Article 1 number 10 of

Local Regulation of Bali Province number 2 year 2012 about Bali Tourism Culture , which said tourism is defined as a wide range of tourist activities and supported with variety of facilities and services provided by government, local government, entrepreneurs ( investors) , and community ( Pakraman ) . Therefore tourism includes three ( 3 ) components , which are, travel , tourism and exploitation of tourist attraction .

Apart from the 3 component that stipulated in the word tourism above as mentioned by above regulation, Ardika stated that tourism is one of global cultural phenomenon that can be seen as a system that consists of three components of tourism , the tourists, the geographical element and the tourism industry. Travelers is an element or component that is very important in this model , because tourism is essentially human experience , something enjoyed , anticipated and remembered throughout his life . Geography includes market elements or areas that can encourage an interest in travel, destination and transit areas of the service / tour. The element of tourism industry related with business enterprises or organizations that regulate the tourism product.

The elements in the tourism industry that summarized in a cultural phenomenon is a system , where it is need a mechanism of object exploitation and oriented tourist attraction , which includes the development and management of objects and attraction of new or existing object along with the necessary infrastructure . In that regard , based on the object then the object and attractions specifically can be classified into three ( 3 ) , namely: 1 ) Objects and Nature Tourism Attractions nature is everything that relates to natural attractions , including the management of natural attractions and related to efforts in the field . Natural attraction is the natural form that is formed as the result of God's creation , such as beaches , mountains , water . natural environments arrangement , such as lakes and environmental planning conduct by human , estates and farms . 2 ) Objects and cultural attractions , Cultural tourism is a type of tourism that is based on a mosaic of places , traditions , art , ceremonies , and experience photographing a nation or ethnic community or nation concerned . 3 ) object and tourist attraction on special interests , special interests Tourism is tourism that offers unusual activities undertaken by tourists in general or travel with special skills or special interest . The object appeal in special interest tourism is the object that utilizes the natural and cultural background . However , its activities and the challenges created by a specific attention . The object appeal of special interest is the object of natural resource use and potential object of the nation's art and culture . For example, the object of the appeal of special interest tourism, religious tourism , and eco-religious tourist .

The implementation of policy in eco-religious tourism management on the basis of adat law society in Bali, customary law in Bali which is based on the teachings of the Hindu religion , so the theory used is the theory of legal pluralism in which on one the other hand can not separated from one part of the state law on the use of customary law and Hindu law as a equal a legal product , thus the state law , customary law and religious law can run in synergy so that implementation of policy in eco-religious tourism management on the basis of adat law society in Bali may goes well.

### **The Implementation of Policy in Eco-Religious Tourism Management between Local Government and Pakraman Village that Goes in Synergy.**

Great progress has been achieved , however within the dynamics of globalization and the rapid emergence implies also negative impacts , challenges or problems encountered . For it is very necessary efforts to resolve and improve regional development in 20 ( twenty ) years ahead. Balinese culture is one part of the country that are very unique culture with a distinctive identity . The identity is knitted physical , institutional and style that is local , integrated with belief systems , community systems , and philosophy systems. Universal

values such as religious harmony , aesthetic appreciation , solidarity and balance is a featuring key of Balinese culture that is supported by most of the population adheres to Hinduism . The concept of making strong spiritual culture in Bali is unique and famous all over the world .

Culture is part of Balinese life . Balinese culture has become the most dominant attraction in the development of tourism in Bali , by introduce, utilize , conserve , and improve the quality of objects and tourist attraction , maintaining norms and cultural values , religious and natural life of Bali . Then identified with the island culture and customs that are owned by the community , and as a main pillar in Balinese culture is Pakraman village.

Government as a territorial authority bearer , that has very important and strategic role in the development of tourism , which is a party that has right in policy -making issues related to the development of tourism, for example, in terms of land use regulation and the procurement of infrastructure that is used to support the development of tourism.

Damanik and Weber in Wardiyanto and M Baiquni stated that in terms of tourism development , government can play a role / even have responsibility in following terms: Development of tourism is closely related to land use as a place of tourism development . Hence the need for a regulation on the use of this land so that tourism development does not bring in a social problem . As a bearer of regional authorities , government has authority to regulate the use of areas in state used for tourism development . One of the success measures is ensuring the sustainability of tourism development resources into a tourist attraction . Related to sustainable tourism development efforts , natural environment and cultural tourism resources should be a priority . It is depend on government policy . Government has authority to make policies that aim to provide protection against natural and cultural heritage objects , for example, established under various laws , local laws and regulations that are directly or indirectly related to tourism development . The government also has the authority and responsibility in providing tourism infrastructure , since this problem also has linkages with the region / area . Therefore , the tourism plan preparation will need to consider the ability of the government to provide the infrastructure , for example, depends on the ability of funding to carry out infrastructure development projects . For example, provisions on national and regional transport infrastructure that generally focused in airports and seaports , the provision of public infrastructure and support services to tourists , such as water , electricity , communications and safety . State has the right to formulate policies related to all the issues that have a very broad impact . The problem was only resolved with the government's economic policy . Therefore it is necessary to formulate the state's role in planning tourism development of tourism in order not to face political problme . For example, the creation of a framework of rules regarding travel visas , labor law , foreign investment , consumer protection , planning and construction of buildings , the financial and fiscal incentives include tax , energy rates , aid , soft loans and others . The developers should pay attention to two aspects of tourism carefully so that tourists will have a good impression of the product he/she enjoys travel , or impressed by tourism activity . Related to this issue, one of the main issue that could lead the influx of tourists , especially foreign tourists is a safety issue .

Therefore, government must be able to guarantee the security of the community and tourist . All issues concerning health / epidemic that grow at a tourist destination will be a great interest from potential tourists who will come . The issue on health is a big influence on decision -making by tourists , especially foreign tourists that visit the region ,so that developers should be able to keep away negative issues concerning health , for example, issues of growing epidemics in areas where tourism develop. Because of the wide scope of tourism , tourism development can not be carried out solely by tourism developers without

involving other parties . In order tourism can develop effectively , the developer requires the involvement of various parties / agencies concerned. Synergy from various agencies can be a guarantee for the success of tourism development . To accelerate the synergy of various elements , government as the owner of the area authority , may play more progressively , by implementing empowerment of tourism agencies that have developed in the community . By doing so , the tourism agencies can play a greater role in developing regional tourism . The success of tourism development will be determined by the arrival of tourists as buyers of tourism products in the tourist destination to enjoy the offer of tourist attractions . Therefore , the promotion of a product introduction efforts become an important factor for the concerned of all parties . government has responsibility to introduce tourism products in other countries.

Implementation can conduct by government and tourism entrepreneurs as cooperating parties . The development of the tourism industry will always involve a lot of entrepreneurs / industries to produce various types of tourism products . The involvement of many parties that often leads to competition between each other . In an atmosphere of competition, often occurs unfair business competition . If this is the case then the development of tourism is bad / could not take place simultaneously . Therefore, in order to secure the existence of both competition , a regulation is needed.

While is the regulatory is belong to government authority. In order for the implementation of tourism development can conduct in a good , effective and sustainable tourism , it is necessary for the development of human resources tourism who are competent in the field of tourism . Preparation of human resources is the responsibility of state , but people can also participate in this issue, for example by establishing educational institutions and tourism training .Government has an important role , in this case , for example, by making rules on how education should be carried out by specialized educational institutions of tourism.

Every tourism entrepreneurs have role for: a) Maintain and respect the religious norms , customs , culture , and values that live in the community; b ) Provide accurate information and responsible ; c ) Provide non discriminatory services; d ) provide comfort , security and safety protection and hospitality for travelers ; e ) Provide insurance protection in high-risk tourism business ; f ) Develop partnerships with small and micro enterprises from local cooperatives that require mutually , reinforcing, and beneficial cooperation; g ) Prioritize the use of local products and domestic products as well as providing opportunities to local workers ; h ) Increase workforce competency through training and education ; i ) actively participate in the infrastructure and community development programs ; j ) Participate in prevent any action that violates decency and activities that violate place in the legal environment business ; k ) maintain healthy environment , clean , and beautiful ; l ) preserve natural and cultural environment ; m ) maintain good image for the country and people of Indonesia through conducting tourism business activities in a responsible manner , and n ) Implement standard business and competency standards imposed by legislation.

The private sector through direct community involvement may build . It is only government provides opportunities and easiness without deviating from applicative laws . If government should participate in a sector of activity , such as freight services , hospitality , banking , etc. , then the function as ( 1 ) ' safety valve ' means acting as ' stabilator ' not a competitor , or as (2) ' pioneering ' trigger or hyper activity , as ' motivator ' or ' dynamic factor ' with the intention of developing areas in the field of socio-economic culture.

Promotion and marketing can not be enough if only conduct by government . In fact , private and non-governmental organizations must take an active role in marketing their products respectively . Tourist accommodation can be marketed directly by the supplier , for example



through advertising on room availability and breakfast menu, or through intermediaries, for example by the tourist information center, or in the tour packages offered by travel agents.

Private institutions can help government in an effort to disseminate information on the situation of the country, such as safety, arts and culture, and the economy simultaneously with each promotion efforts. Moreover, any private institution can support promotional activity in various ways either individually or jointly with other agencies.

Pakraman village role and local community, especially natives who live in a tourist area, became one of the key players in the tourism, because in fact it is they who will provide most of the attractions as well as determine the quality of the tourism product. Traditional farm management such as in Bali, traditional ceremonies, crafts and hygiene are some examples of roles that provide tourist attraction.

## **CONCLUSION**

The implementation in policy of eco-religious tourism management on the basis of adat law society in Bali already stipulated in the management of Bali Regional Regulation No. 3 of 1991 on Cultural Tourism pertauran then replaced with Bali Provincial No. 2 of 2012 on Bali Cultural Tourism. In Article 4 of the Bali Provincial Regulation No. 2 of 2012 on Bali Cultural Tourism stated that, the development of cultural tourism in Bali is directed to : ( a ) enhancing the dignity, as well to strengthen Balinese identity, ( b ) improve Balinese people welfare equally and sustainably, and ( c ) preserve Bali natural environment as a life base that support Balinese society and culture in a sustainable manner. Article 11 states, the development of tourism destination must be carried out with due regard to : ( a ) local wisdom such as belief, that are based on the Balinese concept of Tri Hita Karana and inspired by Hinduism, ( b ) sustainability cultural and environmental, such as traditions, Bali customs Bali, and rules about environment, ( c ) the economic potential of the community such as providing the opportunity for local businesses both in the field of handicrafts and agricultural products to exhibit their works in hotels, restaurants and other tourist attractions, and(d) sustainable tourism businesses.

The Implementation of Eco-Religious Travel Management Policy Between Local Government and Pakraman possible to work synergicly, as it is appear in Law of Republic of Indonesia Number 10 Year 2009 on Tourism. In Section 5, the Tourism hold with : ( a ) uphold religious and cultural values norms as the expression of concept in balance of the relationship between man and God Almighty, the relationship between man and his fellow man, the relationship between man and environment, ( b ) uphold human rights, cultural diversity, and local knowledge, ( c ) provide benefits for people's welfare, justice, equality, and proportionality. Similarly, Bali Provincial Regulation No. 2 of 2012 on Bali Tourism. In Section 2 states the Implementation of Balinese Culture Tourism implement based on the principle of benefit, family, independence, balance, sustainability, participation, sustainable, fair and equitable, democratic, equality and unity inspired by Hindu values by applying the philosophy of Tri Hita Karana.

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